

Exhibit 10

From: [Heather Kliebenstein](#)
To: [Fleming, Terrence](#)
Subject: FICO/Federal
Date: Wednesday, May 19, 2021 4:24:03 PM

[EXTERNAL E-MAIL]

Terry,

I wanted to touch base with you on a trial witness issue. Let me know when you have 10 minutes to talk. I'm at 612-205-4476 for the next half hour. Tomorrow I am available from 9-10:30 at 612-371-5213, and same on Friday.

Hope you are well.

Best,

Heather

Heather Kliebenstein

she/her/hers

Partner

Merchant & Gould P.C.

150 South Fifth Street

Suite 2200

Minneapolis, MN 55402-4247

USA

Telephone (612) 371-5213

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Exhibit 11

From: Fleming, Terrence
To: Heather Kliebenstein; Allen Hinderaker
Cc: Janus, Leah; Pham, Christopher
Bcc: Young, Ryan; Hokans, Christian; Sandra Smalley-Fleming (ssmalleyfleming@fredlaw.com); Fleming, Terrence
Subject: FICO request to substitute witnesses
Date: Monday, May 24, 2021 12:39:00 PM

Heather,

We agree that FICO may substitute Fernando Jorge in your initial disclosures with two witnesses – John Marseille and John Baseman – on the condition that we are able to depose them.

Terry Fleming
Fredrikson & Byron, P.A.
Cell: 612-205-7590

Exhibit 12



August 12, 2021

Via Email & U.S. Mail

Heather J. Kliebenstein
Allen W. Hinderaker
Joseph W. Dubis
150 South Fifth Street, Ste. 2200
Minneapolis, MN 55402
jdubis@merchantgould.com
(612) 371-5381

Re: *Fair Isaac Corp. v. Federal Insurance Co., ACE American Insurance Co.*
Court File No. 16-cv-1054

Counsel:

I write to request an updated privilege log and to schedule two depositions of FICO's recently disclosed witnesses. Please provide FICO's response to these requests no later than August 20, 2021.

FICO made a supplemental document production on June 23, 2021. The production includes documents that FICO has redacted, presumably on the basis of privilege or work product. (*See, e.g.,* FICO0069156, FICO0069195, FICO0069430.) Please provide a privilege log identifying the basis for all redactions in this June 23, 2021 production.

Second, on June 2, 2021, the Parties stipulated that Federal may depose two new witnesses FICO added to its Initial Disclosures, Jean-Luc Marce and Sean Baseman. We would like to schedule these depositions for dates in mid-September. Please provide us with dates when these witnesses are available. We intend to conduct these depositions remotely unless FICO would prefer to conduct the depositions in person in Minneapolis.

Sincerely,

FREDRIKSON & BYRON, P.A.

s/ Terrence J. Fleming

Terrence J. Fleming
Direct Dial: 612.492.7496
Email: tfleming@fredlaw.com

Exhibit 13

From: [Kristin M. Drieman](#)
To: [Fleming, Terrence](#); [Janus, Leah](#); [Hokans, Christian](#); [Pham, Christopher](#); [Haberman, Brenda](#); [Young, Ryan](#)
Cc: [Abigail E. Krueger](#); [Allen Hinderaker](#); [Carol A. Nystrom](#); [Heather Kliebenstein](#); [Joe Dubis, Ph.D.](#); [Michael Erbele](#); [Anne-Marie Larkin](#)
Subject: RE: FICO v Federal - Document Production
Date: Wednesday, November 10, 2021 1:07:14 PM
Attachments: [FICO0069787.pdf](#)

CAUTION: EXTERNAL E-MAIL

Counsel,

Please find Plaintiff's document production Bates numbered as FICO0069787.

Thank you,

Kristin M. Drieman

Litigation Paralegal

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